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10/682,504

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John Strisower

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EXAMINER

CHUMPTIAZ, BOB R

ART UNIT

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3629

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03/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/682,504

Applicant(s)

STRISOWER, JOHN

Examiner

BOB CHUMPITAZ

Art Unit

3629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/09/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,9-10,15,18,22 and 32-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,9,10,15,18,22 and 32-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The following is a Non-Final Office Action in response to communication received 12/09/2008. Claims 5, 15, 18, 32 have been amended, and claims 6-8, 11-14, 16-17, 19-21 and 23-31 have been cancelled. Therefore, claims 1-5, 9-10, 15, 18, 22 and 32-45 are pending and are addressed below.

Response to Amendments

In light of the amended Abstract, the Examiner withdraws the objection to the specification (abstract).

Claim Objections

Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 10, as presented, depends from claim 6. Claim 6 has been cancelled by the Applicant. Therefore, claim 10 is objected as being of improper form. For examination purposes, the Examiner will interpret claim 10 to depend from claim 5. Clarification is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 35 and 40-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US 5,737,491, hereinafter Allen) in view of Ausems et al. (US 6,434,403 B1, hereinafter Ausems).

As per claim 1, Allen discloses the process of making images or other data from an image capturing device or other data capturing device or a combination thereof available to one or more authorized user, said capturing device having an electronically readable device serial number and cellular Internet communication capability, said capturing device (a) providing use information specifying said one or more authorized user of said images or other data, (b) capturing said images or other data, and (c) accessing the Internet with said cellular Internet communication capability for initiating the transmitting of said images or other data to a service provider associated with said device serial number, the process comprising:

said service provider associating said device serial number and said use information to provide said images or other data to said one or more authorized user (col. 1, line 66 – col. 2, line 7 the image transmitted via a wireless connection such as a cellular phone service; see also col. 2 lines 34-45 digital camera; see also col. 3, lines 5- 28 the transceiver is a wireless communication

system such as a cellular telephone...the microprocessor is programmed to attach a unique identification code e.g. a camera serial number to each digital image produced by the camera; see also Claim 1 and col. 4, lines 36-54, digital camera includes a transmitter for transmitting the digital image file to the image fulfillment server).

Allen does not expressly disclose "use information specifying said one or more authorized user of said images or other data."

However, Allen discloses an image fulfillment server that stores a data file relating the identification code of a digital camera with information relating to the owner of the digital camera, such as the owners phone number, credit card number, name, address or email address. Allen also discloses wherein the central processing unit is programmed to read identification code associated with the digital images that are received and to retrieve the owner information (col. 3, lines 11-29).

In addition, Ausems teaches a PDA telephone that includes a camera, where the camera records video images and stores them within the PDA telephone, and where the video images recorded by the camera may be transmitted from PDA telephone in *real time* (col. 5, lines 10-23). In addition, Ausems teaches biometric sensors, such as fingerprint ID devices etc., which may be coupled to PDA

telephone through I/O module, and where such sensors provide security features that prevent unauthorized users from exploiting the PDA telephone (col. 8, lines 63-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system for digital image capture and transmission which includes a central processing unit programmed to read identification code associated with the digital images and with information relating to the owner as disclosed by Allen to include an authentication operation as taught by Ausems in order to provide a means of security by including an authorizing process for users who which to access the captured data and in order to prevent unauthorized users from accessing sensitive data.

As per claim 2, Allen further discloses wherein said capturing device deletes an image or other data responsive to its being transmitted using said capability (col. 4, lines 36-54 if the command is erase the digital image stored in the camera is erased).

As per claim 3, Allen discloses the process of making images or other data from an image capturing device or other data capturing device or a combination thereof available to one or more authorized user, said capturing device having an electronically readable device serial number and cellular Internet communication capability, said capturing device (a) providing use information specifying said one or more authorized

user of said images or other data, (b) capturing said images or other data and (c) accessing a cellular service provider (CSP) or a personal communications service provider (PCSP) with said cellular Internet communication capability for initiating the transmitting of said images or other data to a service provider associated with said device serial number, the process comprising:

said CSP or PCSP transmitting said prepared images or other data to an application service provider (ASP) associated with said device serial number to enable said ASP to associate said device serial number and said use information to provide to said set of authorized users said images or other data (col. 1, line 66 – col. 2, line 7 the image transmitted via a wireless connection such as a cellular phone service; see also, col. 3, lines 5- 28 the transceiver is a wireless communication system such as a cellular telephone...the microprocessor is programmed to attach a unique identification code e.g. a camera serial number to each digital image produced by the camera...the central processing unit is programmed to read identification code associated with the digital images that are received and to retrieve the owner information; see also Claim 1 and col. 4, lines 36-54, digital camera includes a transmitter for transmitting the digital image file to the image fulfillment server).

Allen does not expressly disclose "use information specifying said one or more authorized user of said images or other data"

However, Allen discloses an image fulfillment server that stores a data file relating the identification code of a digital camera with information relating to the owner of the digital camera, such as the owners phone number, credit card number, name, address or email address. Allen also discloses wherein the central processing unit is programmed to read identification code associated with the digital images that are received and to retrieve the owner information (col. 3, lines 11-29).

In addition, Ausems teaches a PDA telephone that includes a camera, where the camera records video images and stores them within the PDA telephone, and where the video images recorded by the camera may be transmitted from PDA telephone in *real time* (col. 5, lines 10-23). In addition, Ausems teaches biometric sensors, such as fingerprint ID devices etc., which may be coupled to PDA telephone through I/O module, and where such sensors provide security features that prevent unauthorized users from exploiting the PDA telephone (col. 8, lines 63-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system for digital image capture and transmission which includes a central processing unit programmed to read identification code associated with the digital images and with information relating to the owner as disclosed by Allen to include an authentication operation as taught by Ausems in

order to provide a means of security by including an authorizing process for users who which to access the captured data and in order to prevent unauthorized users from accessing sensitive data.

As per claim 4, Allen further discloses wherein said capturing device deletes an image or other data responsive to its being transmitted using said capability (col. 4, lines 36-54 if the command is erase the digital image stored in the camera is erased).

As per claim 35, Allen further discloses wherein said images or other data are displayed in a parcel delivery application wherein parcel delivery persons capture parcel delivery images or other data by said devices for display for one or more authorized user, a newspaper reporter application in which reporters use said devices for capturing images or other data and writing news stories for interactive use by an editorial staff, or public safety applications in which public safety officers use said devices to capture images or other data for display for public safety situations, or meter reading applications in which meter readers use said devices for capturing images or data for displaying meter readings (col. 1, lines 14-30 the field of professional photography especially in the field of photo journalism and sports photography, speedy delivery of photographs of an event to the photo editor; see also, col. 1, line 66 – col. 2, line 7 amateur photographer can capture electronic image at a event or scenic spot).

As per claim 40, recites equivalent limitations to claim 1 and are, therefore, rejected using the same art and rationale as set forth above.

As per claim 41, Allen further discloses wherein said capturing device deletes an image responsive to its communication over the Internet (col. 3, lines 30-49 internet communication channel; see also, col. 4, lines 36-54 function to erase the captured image).

As per claim 42, recites equivalent limitations to independent claim 1 and 40, and are, therefore, rejected using the same art and rationale as set forth above.

As per claim 43, Allen further discloses wherein said capturing device deletes an image or other data responsive to its being provided to said CSP or PCSP (col. 3, lines 30-49 internet communication channel; see also, col. 4, lines 36-54 function to erase the captured image).

As per claim 44, recites equivalent limitations to independent claim 1 and 40, and are, therefore, rejected using the same art and rationale as set forth above.

As per claim 45, Allen further discloses wherein said capturing device deletes an image responsive to its communication to said CSP or PCSP (col. 3, lines 30-49

internet communication channel; see also, col. 4, lines 36-54 function to erase the captured image).

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Ausems and in further view of WirelessWeek (Copyright © 2002 EBSCO Publishing 7/22/02).

As per claim 36, Allen/Ausems discloses claim 1 as rejected above but do not expressly disclose wherein said ASP bills the organization whose employees use said devices, said billing being on a per unit of time used basis, a per amount of data transferred basis, a per bandwidth used basis, a flat monthly device fee basis, or a combination of the foregoing.

However, Wireless-Week Magazine teaches mMode pix (picture) pricing that charges customers \$2.99 per month plus 2 cents per kilobyte of data (see WirelessWeek article). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the central processing unit for billing purposes of Allen and sale transactions of Ausems to include a picture pricing process as taught by WirelessWeek in order to appropriately charge individuals for the proper services provided. Furthermore, it is well known and would have been obvious to one of ordinary skill in the art at the time of the invention to charge a fee for providing a service in order for business service providers to gain revenue for providing a specific business service.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roustaei et al. (US 2001/0034222 A1, hereinafter Roustaei) in view of Allen.

As per claim 5, Roustaei discloses an image capturing device or other data capturing device, or combination thereof, having cellular Internet capability ([0015-16, 37 the transceiver may be a cellular phone, a personal digital assistant device or an internet appliance for transmitting data over a wireless network...apparatus comprises a buffer to store data]) and

Roustaei does not expressly disclose an apparatus to delete a captured image or other data as a result of said captured image or other data being completely transmitted by said capability.

However, Allen teaches an operation via a microphone that digitizes the voice command wherein if the command is erase the digital image stored is erased (col. 4, lines 36-54 if the command is erase the digital image stored in the camera is erased). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data transmitting mechanism of Roustaei to include an erase command as taught by Allen in order to delete the captured images after it has been transmitted via a network in which will allow users to capture images for various applications and correctly transmit them over the network.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roustaei in view of Allen and in further view of Inoue et al. (US 6,853,403 B1, hereinafter Inoue).

As per claim 9, The Roustaei/Allen combination discloses claim 5 as rejected above but do not expressly disclose wherein said image or other data, or combination thereof, is captured without the use of a human at the site and time of said capture.

However, Inoue teaches a self-timer mode that allows the camera to shoot an image without the use of a human at the site and time of said capture since the capturing device is set to automatically shoot an image (col. 1, lines 30-62 film cameras or digital cameras are frequently provided with a function to perform shooting by use of a self-timer; see also, col. 3, lines 3-11 the self-timer shooting mode is performed after a time from the instruction of shooting to shooting in the normal shooting mode has elapsed; see also, col. 7, lines 47-53 self timer shooting switch). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the image capturing device of the Roustaei/Allen combination to include a self timer mode as taught by Inoue in order to allow a set a self timer mechanism in which the shooting is performed automatically after the set time has elapsed which will also provide excellent camera usability.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roustaei in view of Allen and in further view of Minne et al. (US 6,950,129 B1, hereinafter Minne).

As per claim 10, The Roustaei/Allen combination discloses claim 5 [6] as rejected above but do not expressly disclose wherein said device is a disposable camera.

However, Minne teaches a disposable digital camera that includes an electronic digital camera system for generating digital images data representative of a captured image (col. 2, lines 34-60 digital camera is a one time use or disposable digital camera for storing an image in a digital format; see also, col. 6, lines 24-30 electronic digital camera system). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the image capturing device the Roustaei/Allen combination to include a disposable digital camera as taught by Minne in order for a relatively inexpensive disposable camera which includes the benefits of digital cameras such as storing a captured image in a digital format, including the ability to store both still and video images, with sound, in a digital format.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roustaei in view of Ausems.

As per claim 15, Roustaei discloses:

A PDA having cellular Internet access capability for receiving images or other data from a device also having cellular Internet access capability, said images or

other data having been captured by said device, said PDA using its cellular Internet access capability for transmitting said images or other data over the Internet for delivery to one or more authorized user, said PDA running software providing instructions for operating on said images or other data during such delivery ([0009, 15-16, 37] the transceiver may be a cellular phone, a personal digital assistant device or an internet appliance for transmitting data over a wireless network....apparatus comprises a buffer to store data; see also, [0041-42] video mail service; processor may use compression software such as JPEG for still images and MPEG for motion images to compress the image for transmission).

Roustaei does not expressly disclose:

wherein said images or other data relate to parcel delivery applications, to public safety applications, to public utility applications, or to a combination of the foregoing, and wherein said image or other data, or combination thereof, is automatically captured and transmitted to said one or more authorized user without the use of a human at the site and time of said capture.

However, Ausems teaches a PDA telephone that includes a camera, where the camera records video images and stores them within the PDA telephone, and where the video images recorded by the camera may be transmitted from PDA telephone in *real time* (col. 5, lines 10-23). In addition, Ausems teaches wherein

the PDA telephone may be configured to carry out automatic checkbook functions, and where the PDA telephone may automatically update a user's checkbook each time a transaction is executed (col. 6, lines 45-59). Furthermore, Ausems teaches wherein the wireless telephone engine may retrieve an electronic mail address and/or a world wide web URL from address book in order to initiate a transaction (col. 7, lines 9-20). Lastly, Ausems teaches biometric sensors, such as fingerprint ID devices etc., which may be coupled to PDA telephone through I/O module, and where such sensors provide security features that prevent unauthorized users from exploiting the PDA telephone (col. 8, lines 63-67). (Examiner notes: Ausems teaches wherein "video images recorded by the camera may be transmitted from PDA telephone in *real time*", and "automatic data transmission functions". The Examiner considers Ausems teachings to represent the "image or other data is automatically captured and transmitted" claimed limitation. In addition, the Examiner points out that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ausems "real time" data storing and transmission capabilities to represent "automatic" functions, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the PDA device of Roustaei to include real time data transmission, mail transactions and authentication operations as taught by Ausems in order to provide users with a time efficient process for capturing and distributing data.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ausems in view of Allen.

As per claim 18, Ausems discloses a PDA having cellular Internet access capability for receiving images or other data from a device also having cellular Internet access capability, said images or other data having been captured by said device, said PDA using its cellular Internet access capability for transmitting said images or other data to a CSP or a PCSP, said PDA running software providing said CSP or PCSP with instructions for operating on said images or other data (col. 1, lines 25-67 wireless phones are being combined with PDA's in order to perform...transmitting, receiving, and displaying text messages....a wireless telephone engine, smart-card engine and personal digital assistant engine are integrated in a single device; see also, col. 5, line 66 – col. 6, line 7 modem 220 is coupled to wireless phone engine 210 and enables PDA telephone 100 to send and receive fax messages, or have internet access).

Ausems does not expressly disclose:

wherein said image or other data, or combination thereof, relate to parcel delivery applications, to public safety applications, to public utility applications, or to a combination of the foregoing and is captured and transmitted to said CSP or

PCSP automatically at the site and time of said capture, and wherein said instructions are provided to said CSP or PCSP over cellular Internet access or by satellite access.

However, Ausems discloses wherein PDA's are capable of running a variety of application software packages (e.g., calculators, text and/or image editors, etc.) (col. 1, lines 21-24; see also, col. 3, lines 5-22: conventional PDA applications, security features). Ausems also teaches security features (col. 3, lines 5-21).

In addition, Allen teaches speedy delivery of photographs of an event to the photo editor performed in the field of professional photography especially in the field of photo journalism and sports photography, (col. 1, lines 14-30); and where a photographer can capture electronic image at a event or scenic spot (col. 1, line 66 – col. 2, line 7). In addition Allen teaches a transmission module connected to the image fulfillment server for transmitting the digital images over any one or more of a plurality of secondary communication channels (col. 3, line 29 – col.4, line 14). Furthermore, Allen teaches an input device used to enter information such as electronic addresses of file names that are to be associated with photographer's utterances in order to transmit data locally or via wireless transmissions (col. 2, line 63- col. 3, line 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the PDA applications of Ausems to include data delivery operations along with security features as taught by Allen in order to provide a method where users can easily transfer or share data in a communications system.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ausems in view of Allen and in further view of Minne.

As per claim 22, Ausems/Allen discloses claim 18 as rejected above but do not expressly disclose wherein said device is a disposable camera.

However, Minne teaches a disposable digital camera that includes an electronic digital camera system for generating digital images data representative of a captured image (col. 2, lines 34-60 digital camera is a one time use or disposable digital camera for storing an image in a digital format; see also, col. 6, lines 24-30 electronic digital camera system). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the image capturing device of Ausems and camera of Allen to include a disposable digital camera as taught by Minne in order for a relatively inexpensive disposable camera which includes the benefits of digital cameras such as storing a captured image in a digital format, including the ability to store both still and video images, with sound, in a digital format.

Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roustaei in view of Ausems and in further view of Croy et al. (US 6,476,825, hereinafter Croy).

As per claim 32, Roustaei discloses:

the process of aggregating into one information feed multiple data streams of images or data, or a combination thereof, received via cellular Internet transmission from a plurality of devices each having an electronically readable device serial number and cellular Internet communication capability for initiating delivery of said images or other data to a service provider (Abstract: an imager for capturing and processing images for a variety of applications connected to a transceiver such as a cell phone, a PDA or an internet appliance for transmitting the images over a network; see also [0007] one or more receiving units to which the digital image is to be sent; see also [0003-4, 9, 19, 37, 42] cellular phone or portable wireless communication device...data collection terminals...method of processing images for transmission), said one information feed being displayed for at least authorized user by said service provider ([0003-4, 38, 42] viewer allows user to view images...display window for viewing the captured image).

Roustaei does not expressly disclose "aggregating into one information feed multiple data streams of images or data" where the "information feed [is] displayed for at least one authorized user", and "received via cellular Internet transmission from a plurality of devices".

However, Ausems teaches a PDA telephone, with internet access that includes a camera, where the camera records video images and stores them within the PDA telephone, and where the video images recorded by the camera may be transmitted from PDA telephone in *real time* (col. 5, lines 10-23). In addition, Ausems teaches biometric sensors, such as fingerprint ID devices etc., which may be coupled to PDA telephone through I/O module, and where such sensors provide security features that prevent unauthorized users from exploiting the PDA telephone (col. 8, lines 63-67).

Furthermore, Croy teaches wherein a multiplexer and an overlay unit with assistance from the image memory and mode controller, transfers data packets from the image memory for display in the hand-held remote device (col. 26, lines 1-42). In addition Croy teaches wherein at least one server must be installed to supply the remote device with information transmitted over the internet (col. 10, lines 35-40; see also col. 24, line 54 – col. 25, line 14: security of e-commerce transaction...user identity and authorization; see also Claim 22: overlay unit for combining said video content with microcontroller generated images).

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the PDA or an internet appliance for transmitting the images over a network of Roustaei to include an authentication operation as

taught by Ausems and the multiplexed data streams as taught by Croy in order to display aggregated data streams received via communication means (internet/cellular) from plurality of devices to authorized users in order to prevent access to sensitive transmitted data.

As per claim 33, Roustaei discloses the process of a CSP or PCSP aggregating into one information feed multiple data streams of images or data, or a combination thereof received via cellular Internet transmission from a plurality of devices each having an electronically readable device serial number and cellular Internet communication capability for initiating delivery of said images or other data to an ASP (Abstract: an imager for capturing and processing images for a variety of applications connected to a transceiver such as a cell phone, a PDA or an internet appliance for transmitting the images over a network; see also [0007] one or more receiving units to which the digital image is to be sent; see also [0004, 9, 19, 42] cellular phone or portable wireless communication device...data collection terminals...method of processing images for transmission), said one information feed being displayed for an authorized user by said ASP ([0003-4, 38, 42] viewer allows user to view images...display window for viewing the captured image).

Roustaei does not expressly disclose "aggregating into one information feed multiple data streams of images or data" where the "information feed [is] displayed for at least one authorized user", and "received via cellular Internet transmission from a plurality of devices".

However, Ausems teaches a PDA telephone, with internet access that includes a camera, where the camera records video images and stores them within the PDA telephone, and where the video images recorded by the camera may be transmitted from PDA telephone in *real time* (col. 5, lines 10-23). In addition, Ausems teaches biometric sensors, such as fingerprint ID devices etc., which may be coupled to PDA telephone through I/O module, and where such sensors provide security features that prevent unauthorized users from exploiting the PDA telephone (col. 8, lines 63-67).

Furthermore, Croy teaches wherein a multiplexer and an overlay unit with assistance from the image memory and mode controller, transfers data packets from the image memory for display in the hand-held remote device (col. 26, lines 1-42). In addition Croy teaches wherein at least one server must be installed to supply the remote device with information transmitted over the internet (col. 10, lines 35-40; see also col. 24, line 54 – col. 25, line 14: security of e-commerce transaction...user identity and authorization; see also Claim 22: overlay unit for combining said video content with microcontroller generated images).

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the PDA or an internet appliance for transmitting the images over a network of Roustaei to include an authentication operation as

taught by Ausems and the multiplexed data streams as taught by Croy in order to display aggregated data streams received via communication means (internet/cellular) from plurality of devices to authorized users in order to prevent access to sensitive transmitted data.

As per claim 34, Roustaei discloses the process of an ASP aggregating into one information feed multiple data streams of images or data, or a combination thereof received via cellular Internet transmission from a plurality of devices each having an electronically readable device serial number and cellular Internet communication capability for initiating delivery of said images or other data to an ASP (Abstract: an imager for capturing and processing images for a variety of applications connected to a transceiver such as a cell phone, a PDA or an internet appliance for transmitting the images over a network; see also [0007] one or more receiving units to which the digital image is to be sent; see also [0004, 9, 19, 42] cellular phone or portable wireless communication device...data collection terminals...method of processing images for transmission)), said one information feed being displayed for one or more authorized user by said ASP ([0003-4, 38, 42] viewer allows user to view images...display window for viewing the captured image).

Roustaei does not expressly disclose "aggregating into one information feed multiple data streams of images or data" where the "information feed [is] displayed for at least one authorized user", and "received via cellular Internet transmission from a plurality of devices".

However, Ausems teaches a PDA telephone, with internet access that includes a camera, where the camera records video images and stores them within the PDA telephone, and where the video images recorded by the camera may be transmitted from PDA telephone in *real time* (col. 5, lines 10-23). In addition, Ausems teaches biometric sensors, such as fingerprint ID devices etc., which may be coupled to PDA telephone through I/O module, and where such sensors provide security features that prevent unauthorized users from exploiting the PDA telephone (col. 8, lines 63-67).

Furthermore, Croy teaches wherein a multiplexer and an overlay unit with assistance from the image memory and mode controller, transfers data packets from the image memory for display in the hand-held remote device (col. 26, lines 1-42). In addition Croy teaches wherein at least one server must be installed to supply the remote device with information transmitted over the internet (col. 10, lines 35-40; see also col. 24, line 54 – col. 25, line 14: security of e-commerce transaction...user identity and authorization; see also Claim 22: overlay unit for combining said video content with microcontroller generated images).

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the PDA or an internet appliance for transmitting the images over a network of Roustaei to include an authentication operation as

taught by Ausems and the multiplexed data streams as taught by Croy in order to display aggregated data streams received via communication means (internet/cellular) from plurality of devices to authorized users in order to prevent access to sensitive transmitted data.

Claims 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roustaei in view of Allen in view of Croy and in further view of Shaginaw et al. (US 2003/010594 A1, hereinafter Shaginaw).

As per claims 37, Roustaei discloses the process of aggregating into one information feed multiple data streams of fragmentary data received via cellular Internet transmission from a plurality of devices each having an electronically readable device serial number and cellular Internet communication capability for initiating delivery of said images or other data to a service provider, said one information feed being displayed using an XML or other agreed protocol data feed for displaying said images or other data to one or more authorized user by said service provider ([0004, 9, 19, 38, 42] cellular phone or portable wireless communication device...data collection terminals...method of processing images for transmission.....viewer allows user to view images...display window for viewing the captured image).

Roustaei does not expressly disclose "aggregating into one information feed multiple data streams of fragmentary data" and "said one information feed being displayed using an XML or other agreed protocol data feed."

However, Roustaei discloses different image capturing devices such as scanners and data collection terminals available to the user [0009]. A scanner can capture encoded information from a two dimensional bar code stored in today's known optical encoding methods such as Data Matrix, Codabar or PDF417, as a result, the scanner reads the encoded bar code data [0013]. Furthermore, Roustaei discloses taking a sequential series of images and wherein each image is then reduced to lower pixel format, and where format reduction may be achieved using windowing, binning or sub-sampling techniques [0020]. Roustaei further discloses using windowing techniques the processor can read out data from only a portion of the sensor array [0045].

In addition, Allen teaches wherein an image is transmitted via a wireless connection such as a cellular phone service (col. 1, line 66 – col. 2, line 7; see also col. 2 lines 34-45: digital camera); and wherein the transceiver is a wireless communication system such as a cellular telephone, and a microprocessor is programmed to attach a unique identification code e.g. a camera serial number to each digital image produced by the camera and where the central processing unit is programmed to read identification code associated with the digital images that are received and to retrieve the owner information (col. 3, lines 5- 28); and wherein the digital camera includes a transmitter for transmitting the digital image file to the image fulfillment server (Claim 1 and col. 4, lines 36-54). In addition, Allen teaches an image fulfillment server that stores a data file relating the

identification code of a digital camera with information relating to the owner of the digital camera, such as the owners phone number, credit card number, name, address or email address (col. 3, lines 11-29).

Furthermore, Croy teaches wherein a multiplexer and an overlay unit with assistance from the image memory and mode controller, transfers data packets from the image memory for display in the hand-held remote device (col. 26, lines 1-42). In addition Croy teaches wherein at least one server must be installed to supply the remote device with information transmitted over the internet (col. 10, lines 35-40; see also col. 24, line 54 – col. 25, line 14: security of e-commerce transaction...user identity and authorization; see also Claim 22: overlay unit for combining said video content with microcontroller generated images).

Lastly, Shaginaw teaches sending files in XML format in which allow designers to create custom tags and enables the definition, transmission, validation and interpretation of data between application and organization [0045].

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the PDA or an internet appliance for transmitting the images over a network of Roustaei to include identification code as taught by Allen and the multiplexed data streams as taught by Croy and providing data files in XML format as taught by Shaginaw in order to display aggregated data

streams received via communication means (internet/cellular) from plurality of devices and displaying data in XML format to the authorized users in order to improve user access and prevent access to sensitive transmitted data.

As per claims 38 and 39, recite equivalent limitations to claim 37 and are, therefore, rejected using the same art and rationale as set forth above.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

PLEASE NOTE:

A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *e.g. In re Collier*, 158 USPQ 266, 267 (CCPA 1968)(where the court interpreted the claimed phrase "a connector

member for engaging shield means" and held that the shield means was not a positive element of the claim since "[t]here is no positive inclusion of 'shield means' in what is apparently intended to be a claim to structure consisting of a combination of elements."

Applicant(s) are reminded that optional or conditional elements do not narrow the claims because they can always be omitted. See e.g. MPEP §2106 II C: "Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. [Emphasis in original.]" and *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006) "As a matter of linguistic precision, optional elements do not narrow the claim because they can always be omitted." *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006)(where the Federal Circuit affirmed the Board's claim construction of "further including that said wall may be smooth, corrugated, or profiled with increased dimensional proportions as pipe size is increased" since "this additional content did not narrow the scope of the claim because these limitations are stated in the permissive form 'may.'").

Functional recitation(s) using the word "for" have been considered but given less patentable weight^[1] because they fail to add any steps and are thereby regarded as intended use language. A recitation of the intended use of the claimed invention must result in additional steps. See *Bristol-Myers Squibb Co. v. Ben Venue Laboratories*,

Inc., 246 F.3d 1368, 1375-76, 58 USPQ2d 1508, 1513 (Fed. Cir. 2001) (Where the language in a method claim states only a purpose and intended result, the expression does not result in a manipulative difference in the steps of the claim.).

^[1] See e.g. *In re Gulack*, 703 F.2d 1381, 217 USPQ 401, 404 (Fed. Cir. 1983)(stating that although all limitations must be considered, not all limitations are entitled to patentable weight.).

Response to Arguments

Applicant's arguments filed 12/09/2008 have been fully considered. Argument(s) 1, 3-12 and 14 are persuasive and Argument(s) 2 and 13 are not persuasive. In the remarks, Applicant argues that:

As per claim 1:

(1) Allen et al. (US 5,737,491), does not disclose associating "use information" that specifies authorized users of the images or other data.

In light of new grounds of rejection(s), argument (1) is moot. (See claim 1 rejection above).

(2) As acknowledged by the applicant, Allen discloses that the image fulfillment server stores a data file relating the identification code (i.e. serial number) of a digital camera with information relating to the owner of the digital camera. (See

Allen, column 3, lines 18-28). *Allen* does not disclose that this data file is provided by a capturing device.

In response to arguments (2), Examiner respectfully disagrees. *Allen* discloses an image fulfillment server that receives transmissions from the digital camera, and where the image fulfillment server includes a memory for receiving and storing digital images transmitted from the camera (col. 3, lines 11-28; see also col. 2, lines 34-45: digital camera). In addition, *Allen* discloses wherein the digital camera includes a transmitter for transmitting the digital image file to the image fulfillment server (claim 1; see also col. 4, lines 36-54).

As per claim 3:

(3) For reasons similar to those discussed in connection with claim 1, *Allen* does not disclose "associating said device serial number and said use information to provide said images or other data to said one or more authorized user."

(4) **Claims 2 and 35** depend from claim 1 and **claim 4** depends from claim 3 and, therefore, Applicant respectfully submits that claims 2, 4, and 35 are allowable at least for being dependant on an allowable dependent claim.

In light of new grounds of rejection(s), arguments (3) & (4) are moot. (See rejections above).

As per claim 15:

(5) Roustaei et al. (US 2001/0034222 A1), does not disclose "The PDA of claim 15 wherein said images or other data relate to a subset of parcel delivery applications, public safety applications, and public utility applications".

As amended, claim 15 recites that the image or other data "is automatically captured and transmitted." Roustaei, Allen, and Inoue do not teach this limitation, either in combination or individually.

In light of new grounds of rejection(s), argument (5) is moot. (See claim 15 rejection above).

As per claim 18:

(6) Ausems et al. (US 6,434,403 B1), does not disclose "wherein said images or other data relate to parcel delivery applications, to public safety applications, to public utility applications, or to a combination of the foregoing" as disclosed by claim "15". It appears the Applicant made a typographical error by reciting "claim 15" instead of "claim 18". For purposes of examination the Examiner interprets argument (6) to be directed to claim 18.

In response to argument (6), Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Therefore, argument (6) is moot.

As per claims 32-34:

Claim 32

(7) Roustaei et al. (US 2001/0034222 A1), does not disclose that these images displayed on the view or display windows were "received via cellular Internet transmission from a plurality of devices". Claim 32 recites "aggregating into one information feed multiple data streams of images or data" where the "information feed [is] displayed for at least one authorized user." Roustaei does not disclose this feature. As a result, Roustaei does not anticipate claim 32.

In light of new grounds of rejection(s), argument (7) is moot. (See claim 32 rejection above).

As per Claims 33-34:

(8) **Claim 33** recites: "aggregating into one information feed multiple data streams of images or data" that is "received via cellular Internet transmission from a plurality of devices" and that "said one information feed [is] displayed for an authorized user." Arguments similar to those made above in connection with claim 32 apply to the rejection of claim 33.

Similar to claims 32 and 33, **claim 34** recites "aggregating into one information feed multiple data streams of images or data" that are "received via cellular Internet transmission from a plurality of devices" and that "said one information feed [is] displayed for one or more authorized user."

In light of new grounds of rejection(s), argument (8) is moot. (See claim rejection(s) above).

As per Claims 37-39:

Claim 37

(9) For reasons similar to those discussed above in connection with claim 32, Roustaei does not disclose "aggregating into one information feed multiple data streams of fragmentary data" and "said one information feed being displayed using an XML or other agreed protocol data feed." It is not clear what the Office Action considers to disclose "aggregating into one information feed multiple data streams of fragmentary data." Even if one were to consider multiple images as "multiple streams of data," Roustaei does not disclose that the images are fragmentary. Similarly, **Claims 38 and 39** recite "aggregating into one information feed multiple data streams of fragmentary data received from a plurality of devices" and "said one information feed being displayed using an XML or other agreed protocol data feed." Roustaei does not anticipate claims 38 and 39 at least for reasons similar to those discussed above in connection with claims 32 and 37.

In response to argument (9), "Even if one were to consider multiple images as "multiple streams of data", Roustaei does not disclose that the images are fragmentary." Examiner respectfully disagrees. As a general definition, the-free-dictionary defines fragment as: (1) in networking, one piece of a data packet that has been broken into smaller pieces in order to accommodate the maximum transmission unit (MTU) size of a network; (2) In a disk file system, a part of a file that is located elsewhere on the disk (not contiguous with the rest of the file); (3) In computer graphics, a pixel that has been transformed from its original state and is ready to update the frame buffer

(<http://encyclopedia2.thefreedictionary.com/fragmented>). Applicant's specification gives examples of fragments, to mean package scans that capture time, date, package ID, scan employee, location and other pertinent information in a single record (Specification Pg. 9). Roustaei discloses different image capturing devices such as scanners and data collection terminals available to the user [0009]. A scanner can capture encoded information from a two dimensional bar code stored in today's known optical encoding methods such as Data Matrix, Codabar or PDF417, as a result, the scanner reads the encoded bar code data [0013]. Furthermore, Roustaei discloses taking a sequential series of images and wherein each image is then reduced to lower pixel format, and where format reduction may be achieved using windowing, binning or sub-sampling techniques [0020]. Roustaei further discloses using windowing techniques the processor can read out data from only a portion of the sensor array [0045]. Therefore, Roustaei

discloses the fragmented data encompassed in part of the images and/or data collected may be reformatted using windowing techniques.

In regards to claimed limitations: "*aggregating into one information feed multiple data streams of fragmentary data*" and "*said one information feed being displayed using an XML or other agreed protocol data feed.*" see rejection above.

Claims 40:

(10) Claim 40 recites "transmitting said prepared images or other data to a service provider associated with said device serial number *for enabling said service provider to associate said device serial number and said use information to provide to said set of authorized users said images or other data.*" The Office Action does not specify what it considers to be "use information" in the cited paragraphs. Roustaei does not disclose information that specifies one or more authorized users of images or other data that is associated with a device serial number to provide the specified users the images or other data. Roustaei does not disclose that the service provider associates the device serial number and the use information to provide the images or other data to authorized users specified by the use information. The Office Action does not cite any reference disclosing the limitation of "said capturing device having an electronically readable device serial number" and presents no evidence that such a feature is inherent in Roustaei

In response to argument (10), Claims 40 recites equivalent limitations to independent claim 1 and are, therefore, rejected using the same art and rationale as set forth above.

As per Claim 42:

(11) Because claim 42 recites "said ASP associating said serial number and said use information" wherein the use information is "specifying said one or more authorized users of said images or other data," Applicant respectfully submits that claim 42 is not anticipated by Roustaei at least for reasons similar to those discussed above in connection with claim 40.

In response to argument (11), Claims 42 recites equivalent limitations to independent claim 1 and 40, and are, therefore, rejected using the same art and rationale as set forth above.

As per Claim 44:

(12) Because claim 44 recites "enabling said ASP to associate said device serial number and said use information" wherein the use information is "specifying one or more authorized user of said images or other data," Applicant respectfully submits that claim 44 is not anticipated by Roustaei at least for reasons similar to those discussed above in connection with claim 40.

In response to argument (12), Claims 44 recites equivalent limitations to independent claim 1 and 40, and are, therefore, rejected using the same art and rationale as set forth above.

As per Claim 5:

(13) (Roustaei et al. in view of Allen)

Claim 5 recites that the apparatus deletes the captured image or other data "as a result of said captured image or other data being completely transmitted[.]" Allen, however, teaches that the image is deleted as a result of a digitized voice command having a certain value. Whether an image has been completely transmitted plays no role in a determination to delete the image in the device of *Allen*. Therefore, even assuming one with ordinary skill in the art would have had reason to consider a combination of the teachings of Roustaei and Allen (which is not the case), the references, alone or in combination, do not teach all features of the claims. As a result, Applicant respectfully submits that claim 5 is not obvious over Roustaei in view of Allen.

In response to argument (13), Examiner respectfully disagrees. The Roustaei/Allen combination teaches a mechanism used to delete a captured image. The Examiner asserts that the apparatus (microphone used for digitizing the voice command) taught by Allen is fully capable of deleting the captured image after image or other data is completely transmitted. Therefore, the Examiner maintains the original rejection as stated in the previous office action.

Dependent claims:

(14) This amendment addresses the independent claims and some dependent claims pending in the application. Because the applicants submit that the independent claims are allowable, the other dependent claims are allowable at least because they are dependent upon an allowable claim.

In light of new grounds of rejection(s), argument (14) is moot. (See claim rejection(s) above).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BOB CHUMPITAZ whose telephone number is (571)270-5494. The examiner can normally be reached on M-TR: 7:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN WEISS can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-270-6494.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. C.
Examiner, Art Unit 3629

/JOHN G WEISS/
Supervisory Patent Examiner, Art Unit 3629